

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WAYNE VAN SCOY,

Plaintiff and
Counterclaim-Defendant,

v.

VAN SCOY DIAMOND MINE OF
DELAWARE, INC., a Delaware corporation,
KURT VAN SCOY, and DONNA VAN SCOY.

Case No. 05-108 (KAJ)

NOTICE OF DEPOSITION

To: John G. Day, Esquire
Ashby & Geddes
222 Delaware Avenue, 17th Floor
P.O. Box 1150
Wilmington, DE 19899

Michael C. Petock, Esquire
Micheal F. Petock, Esquire
Petock & Petock, LLC
46 The Commons at Valley Forge
1220 Valley Forge Rd.
P.O. Box 856
Valley Forge, PA 19482-0856

TAKE NOTICE that Defendants and Counterclaim-Plaintiff Van Scoy Diamond Mine of Delaware, Kurt Van Scoy and Donna Van Scoy, will take the deposition of Alan Lapidus on Tuesday October 4, 2005 at 10 a.m. at the law offices of Burke and Burke, located at 1460 Wyoming Avenue, Forty Fort, PA 18704. The deposition testimony will be recorded stenographically.

Counsel are permitted to attend and take part as permitted by the Rules.

FOX ROTHSCHILD LLP

By: /s/ Sharon Morgan
Sharon Morgan (Del. Bar No. 4287)
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Attorneys for Defendants and
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Dated: September 29, 2005

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